

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	Civil Action No.1:03-CV-00434 (HHK)
v.)	
)	
SMITHFIELD FOODS, INC.,)	
)	
<i>Defendant.</i>)	
)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL
SUBSTITUTED COPIES OF EXHIBITS 2, 3, & 4 ATTACHED TO
PLAINTIFF’S SUPPLEMENTAL MEMORANDUM IN
OPPOSITION TO DEFENDANT’S MOTION TO DISMISS,
AND STATEMENT OF POINTS AND AUTHORITIES**

Plaintiff, United States of America (“Plaintiff”) respectfully moves this Court for the entry of an Order granting Plaintiff the right to file substituted copies of Exhibits 2, 3, and 4 attached to Plaintiff’s Supplemental Memorandum in Opposition to Defendant’s Motion to Dismiss, and for its reasons relies upon the following:

Counsel for the Defendant advised in a telephone conversation yesterday, April 16, 2003, that Defendant Smithfield Foods, Inc. (“Smithfield”) would be filing under seal or otherwise redacting certain exhibits in this case that contain financial information. Exhibits 2, 3, and 4 attached to Plaintiff’s Supplemental Memorandum in Opposition to Defendant’s Motion to Dismiss also contain certain financial information relating to Smithfield’s subsidiaries.

In view of Smithfield’s anticipated motion or redaction intended to protect from public disclosure certain financial information, the Plaintiff seeks to afford similar information

consistent treatment by requesting this Court's permission to file Exhibits 2, 3, and 4 under seal and expunge the electronic version of those same exhibits that were filed on April 16, 2003.

Statement of Points and Authorities in Support of Plaintiff's Motion to File Under Seal Exhibits 2, 3, and 4

The Motion is made pursuant to Rule 7, Fed.R.Civ.P., as well as Rule 7.1 and Rule 5.1(j), L.Civ.R.

Plaintiff respectfully requests that the Court enter an Order:

1. Granting the United States the right to file under seal the attached Exhibits 2, 3, and 4 as attachments to its Supplemental Memorandum in Support of Plaintiff's Opposition to the Defendant's Motion to Dismiss for Lack of Personal Jurisdiction expunging the electronically-filed copies from the record.
2. Granting such other and further relief to which this Court finds the Plaintiff otherwise entitled.

Statement of Compliance with L.Cv.R. 7.1 (m)

Pursuant to L.Cv.R 7.1(m), Plaintiff discussed this motion with Smithfield's counsel by telephone on April 17, 2003 in an effort to narrow any areas of disagreement, and Smithfield's counsel advised that the Defendant does not oppose this motion.

Dated this 16th day of April, 2003.

Respectfully submitted,
Plaintiff, United States

"/s/"

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